

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:) Confirmation No.: 4536
Harue NAKASHIMA et al.) Examiner: Vu Anh Nguyen
Serial No.: 10/588,993) Group Art Unit: 1796
Filed: August 10, 2006)
For: LIGHT EMITTING ELEMENT, LIGHT)
EMITTING DEVICE, AND)
ELECTRONIC DEVICE)

SUBMISSION OF VERIFICATION OF TRANSLATION


Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Further to the *Amendment* filed on June 1, 2010, in order to overcome the rejections based on U.S. Publication No. 2005/0116633 to Yamazaki and Zhang, a verified English translation of priority application JP 2004-347903 filed November 30, 2004 is submitted herewith. Since Yamazaki '633 has a U.S. filing date of November 23, 2004, Yamazaki '633 is only potentially available as prior art under 35 U.S.C. § 102(e). However, Yamazaki '633, as a commonly owned reference under § 102(e), may not be considered for a rejection under § 103. Subject matter developed by another, which qualifies as prior art only under one or more of subsections 35 U.S.C. §§ 102(e), (f) and (g), is not to be considered when determining whether an invention sought to be patented is obvious under 35 U.S.C. § 103, provided the subject matter and the claimed invention were commonly owned at the time the invention was made. See MPEP § 2146. Since the disclosure by Yamazaki '633 and the claimed invention of the present application were, at the time the invention was made, subject to an obligation of assignment to Semiconductor Energy Laboratory Co., Ltd., Yamazaki '633 may not be considered for a rejection under § 103. Accordingly, reconsideration and

withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Respectfully submitted,



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